



Submission to the Senate Standing Committee on Environment, Communications and the Arts

Inquiry into the effectiveness of the broadcasting codes of practice May 2008

Young Media Australia welcomes the opportunity to make a submission to this inquiry.

This submission has been prepared for Young Media Australia by Associate Prof. Elizabeth Handsley (Vice President) and Barbara Biggins OAM (Hon CEO) on behalf of the Board of the Australian Council on Children and the Media (trading as Young Media Australia (YMA)). For further information, please contact Barbara Biggins at above address.

Elizabeth Handsley is a specialist in media law as it relates to children, and Barbara Biggins is CEO of YMA, and a former member of the Children's Program Committee of the Australian Broadcasting Tribunal, and former Convenor of the federal Classification Review Board.

A. INTRODUCTION

1. Young Media Australia (YMA) is the trading name of the Australian Council on Children and the Media (ACCM). The ACCM is a not-for-profit national community organisation structured as a company limited by guarantee. The ACCM has a national Board of Directors representing the states and territories of Australia, and has a national membership of organisations and individuals who support the aims of the organisation, viz to stimulate and maintain public interest in the provision of suitable films and television programs for children.
2. The ACCM has a comprehensive organisational membership which includes ECA (Early Childhood Australia (formerly AECA Australian Early Childhood Association)), ACSSO (Australian Council of State Schools Organisations), AHISA (Association of Heads of Independent Schools of Australia), AEU (Australian Education Union), SAPPA (South Australian Primary Principals Association), Federation of NSW P&C (Parents & Citizens), and the Mothers' Union in Australia. Our members have a special interest and/ or expertise in media issues and children.
3. Young Media Australia's mission is to promote a quality media environment for Australian children and to raise community awareness of children's needs in relation to the media.
4. YMA's core activities include the collection of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

5. Young Media Australia's core services include:

- a 24/7 freecall helpline 1800 700 357,
- a website www.youngmedia.org.au containing a wealth of media-related information (attracting over 1000 visits per day),
- a popular child-friendly movie review service (*Know before you go*),
- the development of parent media awareness materials, and
- making submissions, and participating in media interviews, related to media regulation.

B. THE BASIS FOR YMA's SUBMISSION

Young Media Australia bases its submission on the following principles and knowledge base:

1. *The International Convention on the Rights of the Child Article 17*, viz

"Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall: ...

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Article 13 and 18."

Article 13, paraphrased, supports the rights of children to seek and receive information and ideas of all kinds, subject to restrictions to protect public health.

Article 18, paraphrased, supports parents in their primary responsibility for the upbringing and development of their children, but requires that institutions support parents in this role.

2. *Objectives b), h), i) and j) from the Broadcasting Services Act, s 3*

(b) to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs; and ...

(h) to encourage providers of broadcasting services to respect community standards in the provision of program material; and

(i) to encourage the provision of means for addressing complaints about broadcasting services; and

(j) to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them ...

3. *The Policy Guidelines on Children's Television developed by the Australian Council for Children and the Media.*

4. *YMA's ongoing collection and review of the research literature*

In the preparation of this submission, YMA has reviewed the research literature as it relates to the impact of media on children. This is an ongoing activity of YMA.

5. YMA's ongoing involvement in Standards and Codes as they impact on children

In the preparation of this submission, YMA has relied on its experience and active involvement in the use and maintenance of children's TV standards, the Commercial Television Industry, ABC, SBS, and AANA *Codes of Practice*, the *National Classification Code* and the *Guidelines for the Classification for films and computer games*.

C. SUMMARY COMMENTS

Young Media Australia commends the Senate for investigating these issues. They are of concern to Young Media Australia and its members.

This submission is also supported by the Melbourne based organisation Kf2bK: Kids Free to be kids.

Based on our experience over many years of involvement in the application of Codes, Standards and Guidelines to the content of television programs, films and advertisements, Young Media Australia does not believe that the interests of children have been sufficiently protected through the (largely) self regulatory processes.

D. DETAILED COMMENT ON TERMS OF REFERENCE

1.The frequency and use of foul language

This issue is governed by the Codes of Practice for the networks, which:

for films on TV, provide that the *Classification Guidelines for Films* apply.

For coarse language at both G and PG level, the requirement is that language should be mild and infrequent. At M level, however, there are no limits on frequency of coarse language (which under present criteria can include "F" language) (see OFLC *Classification Guidelines for Films and Computer games* 2004)

for programs on TV that are not films, the criteria at M level are more constrained with coarse language able to be used, but infrequently. Greater frequency can be allowed but only when particularly important to the story. (p24-25 CTI Code of practice 2004)

YMA has not had high levels of complaint about language issues, but it may be an area where a closer monitoring study is needed to ascertain whether or not these codes are being observed, or need to be modified.

2.The effectiveness of current classification standards as an accurate reflection of the content contained in the program

2.1 The effectiveness of the Codes themselves:

YMA is of the view that for free-to-air TV, the current Codes for the classification of programs, films, trailers, and for advertising to children, while somewhat helpful, are inadequate to protect children from harm.

Further they are not as helpful as they could be to parents and caregivers who wish to be able to protect their children.

2.1.1 Effectiveness in protecting children:

YMA has strongly held views that the current classification criteria used by the Classification Board to classify films do not reflect current research and child development knowledge. These views were expressed at length in the YMA submission to the last review of the Classification Guidelines held in 2001-2 (see Appendix 1 for relevant extract) .

Further, YMA argued that the classifications G, PG and M, based as they are around the age of 15 yrs, (and not related to any real ages and stages of childhood) do not helpfully reflect the ages at which different age groups of children are vulnerable to certain portrayals.

YMA is of the view that these classifications would be more helpful, if they were changed to G (suits all), G8+ (suits those 8 and up) and G13+ (suits those 13 and up). These classes would then be followed by MA15+ (having legal force). (see YMA 2001).

2.1.2 The need to use this proposed system in all Codes for free-to-air TV

The G, PG, M, system of classification is of course carried over into the TV Codes for programs that are not films, and ought similarly to be changed.

2.1.3 The effectiveness of Standards and Codes for advertising to children

As argued elsewhere (YMA 2008, YMA 2007), YMA finds the ACMA Standards for advertising to children (in C programs on TV) , and the AANA Codes governing the content of advertisements in other TV programs directed to children, and which are incorporated into the Commercial TV Industry Codes of Practice 2003, to be deficient in preventing harm to children.

2.2 The effectiveness of the application of the Codes

In addition to the effectiveness of the criteria within the Codes, YMA is of the view that there are problems with *the application* of them to programs and to films on free-to-air TV, and with the application of the current self-regulatory AANA Codes for advertising directed to children.

2.2.1 Lack of checks and balances

The present system of TV network (commercial, ABC and SBS) in-house classification lacks the checks and balances of the federal Classification system for films.

These classifiers work in somewhat isolated small groups, and there is no review system, except after the event, when the damage may be done, and can only be remedied via a long and laborious complaints process. See section 3.

2.2.2 The role of the Commercials Advice Pty Ltd

This unit provides advice on the suitability of the content of advertisements for timeslots on TV.

http://www.freetv.com.au/Content_Common/pg-Commercials-Advice.seo

It appears to lack competence in the area of the impact of advertising on children and young people.

2.2.3 *Classification of films on TV.*

When classifying films for TV, the networks are obliged to have regard to the classifications which have been established by the Classification Board.

However, there are pressures to screen films and other programs in particular timeslots. For eg a film previously classified MA15+ and R18+ may be cut to fit an 8.30pm M classified time slot (and not always successfully). Although it may be possible to cut out the worst of the blood and gore, the themes of many such movies do not fit an M time slot.

YMA has examples of complaints that it lodged over a period of 4 years where this has occurred. YMA noted 12 films classified M by commercial networks, for which it considered the classification to be too low. YMA's complaints to network and then to ABA resulted in 4 being upheld.

In recent weeks, we have noted networks screening films previously classified M, as PG at 7.30pm. Examples with complaints pending include *Spiderman* and *Harry Potter and the Goblet of Fire*.

2.2.4 *Classification of programs which are not films*

Similar problems exist with programs which screen long term in what are G and PG time slots, and also with some "reality" shows.

Programs such as *Neighbours* (screened 6.30pm in a G time slot has content, especially in the areas of adult themes and interpersonal relationships, that has concerned parents) as has *Home and Away* (screened 7pm as PG).

See also other examples of differences between TV program series classifications and those ascribed to same series by the Classification Board. (4.2 below).

2.2.5 *Classification of current affairs programs on commercial TV*

The Commercial TV Code of Practice at 2.13.1 provides that news and current affairs programs that are broadcast in a G time slot, do not have to be classified.

While this may have some justification for news programs (though the content of these is not always selected with due regard for the sensitivities of its audience at the time) this seems less justified when the content of not a few segments in these current affairs programs seem far removed from news events of the day.

2.2.5 *The appropriateness of trailers for time slots*

The content of trailers which in programs selected for their G or PG content has been an ongoing source of complaint to YMA. There are two problems with these- one being the actual content of the trailer often being of a scary or violent nature, and the other, of the promotion of programs for more mature audiences within lower classified programs.

Of 6 complaints lodged by YMA between 2002 and 2005, about the unsuitability of the content of trailers of films for the timeslots in which they were shown, 4 were upheld by ABA.

Further, YMA believes that much parental concern was raised by the screening for trailers for *Big Brother Uncut* within early evening versions of *Big Brother*.

3. The operation and effectiveness of the complaints process for the public

3.1 General lack of knowledge of complaints process

YMA is aware that a major portion of the audience for free to air TV do not know to whom, and how to make an effective complaint, should they wish to do so.

The system is fragmented, with viewers needing to make complaints either to the commercial channel they are watching, or the ABC, or SBS, or the AANA, or to ACMA (for children's C and P programs and ads), or to Pay TV .

3.2 The process is slow

Further those who do use the present complicated, cumbersome, slow processes, often get little satisfaction at the end of what could be a 12 month process.

3.3 A one stop shop for complaints on all forms of media, incl advertising.

As a community service, YMA has been providing for many years, a one-stop shop for information on the impact of media on children, and for information about who and where to complain (see www.youngmedia.org.au "Codes, Classification and Complaints").

Similarly with complaints about advertising. The viewer has to know if this is an ad that is covered by an ACMA standard, or whether is it an ad that should go to the Advertising Standards Board, or if it's a trailer, then the complaint needs to go to the station being watched.

4. Any other matters

4.1 Parent supports

Parents are increasingly asked to bear most of the responsibility for keeping their children from harm from media impacts, with effective regulatory supports lagging behind developments in media.

YMA raises parents' awareness of the classification systems and encourages them to use them. YMA also supplements classification advice with its *Know before you Go* review service in an effort to overcome the problems caused for parents by the deficiencies of the present G, PG and M classification categories.

YMA also offers a useful conduit for complaints to the appropriate agencies.

Young Media Australia offers these parent media awareness resources and support via its website and national freecall Helpline, but these services have very little ongoing funding. So much more could be done to help parents to avoid potentially harmful impacts if government funding were available and sustained.

4.2 Present legislation in Senate

Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Bill 2008

This legislation now before the Senate proposes to allow networks to make recommendations to the Classification Board as to the appropriate classification for TV series that are to be issued as box sets of DVDs. Until now, the Board classified these series independently of the industry.

If passed, this legislation will give undue weight to recommendations by the TV industry, which will presumably be based on the classification given by the network that screened it.

This is a step which YMA opposes, given that we have a properly constituted and independent classification authority (the Classification Board) equipped and able to classify all forms of film material, and able to act without commercial pressures.

YMA knows of examples where TV series classified at one level by TV networks, have been classified at a higher level by the Board when submitted as a DVD set. The content seems little if at all changed between TV series and box set.

In recent months, the ABC has screened the series:

The Line of Beauty as M in an 8.30pm time slot. As a box set, the series was classified MA15+ by the Classification Board.

Robin Hood series 2, at 7.30pm, classified PG. Both this series and *Robin Hood* series 1 were classified M by the Classification Board, as a box set.

The War as PG at 2pm on a Sunday afternoon, and the Board classified it M as a box set.

Over the past years, there have been numerous examples of children's TV series which were classified at a higher level when submitted to the OFLC. These include, *Transformers*, *Gargoyles*, *Power Rangers*, *Teenage Mutant Ninja Turtles*, all G for television and all PG on video and DVD.

END

References

Young Media Australia 2008 Submission to the Senate Committee on Environment, Communications and the Arts Inquiry into the sexualisation of children in the media.

http://www.youngmedia.org.au/pdf/Submissions/yma_submission_sensxn_2008apr.pdf

Young Media Australia (2003) *Submission to Review of Commercial TV Codes of Practice*

http://www.youngmedia.org.au/pdf/submissions/yma_submission_ctva_2003sep.pdf

Young Media Australia (2001) *Submission to Office of Film and Literature Classification Review of the Guidelines for the classification of films, and computer games.*

http://www.youngmedia.org.au/pdf/Submissions/yma_submission_oflc_2001.pdf

APPENDIX 1 : EXTRACT FROM YMA SUBMISSION TO REVIEW OF OFLC GUIDELINES FOR THE CLASSIFICATION OF FILMS 2001

3.4 The protection of children

YMA is strongly of the view that the classification systems for films and computer games could be strengthened considerably, and be made much more helpful for parents, if they were to incorporate an approach more directly related to children's ages and stages of development.

At present, the system revolves around the age of 15 years, and the use of G and PG symbols. There are some, but not many, films which can safely be said to be OK for all children under the age of 15 years. Further, the symbol PG (and often separated from any consumer advice lines) is not very helpful to parents, who do not know what they have to guide about, and in relation to which age groups of children.

Further, there has, in the past, (and indeed it is evident in the Review papers) been some reliance placed on the use of the consumer advice line "Some scenes may disturb very young children", to warn parents that a film may not be suitable for under 8 year olds. While useful in some limited situations, this does not provide adequate protection. See section 3.6 below for more detail on this issue.

YMA believes that an age based system which indicated broadly which age groups of children would be likely to cope with the film without harm or disturbance, would be much more understandable to parents.

The research literature provides a sound basis for such an approach.
(See for eg, Cantor, Joanne 1999, and Josephson W 1995, in Appendix B, Australian Psychological Society)

Cantor argues (personal email to B Biggins) that children under age 8 are especially vulnerable, for the following reasons:

- 1) difficulty with fantasy-reality distinction. What they see is real to them
- 2) They are extremely responsive to visual images, especially those that are graphic, grotesque and gory. Even those shown only for a few seconds
- 3) they have relatively real world sophistication with which they might put what they see in perspective
- 4) they have great difficulty using information provided to them to cast what they are seeing in a different light (ie less threatening or something that shouldn't be copied)

It is worth noting that the newly established Netherlands system is based around four different age groups of children . We quote from the explanatory document:

"The NICAM system divides children into four age groups. Children up to 7 years old, between 7 and 12, between 12 and 16 and over the age of 16. These age groups are identified in child psychology as important phases in the development of the child. A number of factors

play a role in this. In the first place, there is the distinction between fantasy and reality. In general this distinction is not so obvious for children under seven years of age. For children of up to seven, monsters and ghosts can be a part of reality. The way in which specific events are connected is the next important factor. The older children are, the more capable they become of making connections between events which do not follow each other directly. Thirdly, the amount of knowledge children have of the world is important. That knowledge determines the extent to which children can decide whether certain images are realistic or not. Finally, there is the interest in interpersonal relations. The older children are, the more interested they become in information about how people interact in different kinds of situations. In some cases, sex for instance, this information is available mainly through the media. In this area, the influence of the media on young people's ideas is relatively great. The crucial question is to what extent images are credible or realistic. The influence of images which are perceived as unbelievable or even ridiculous is much less damaging." ("NICAM a new classification institute in the Netherlands" www.nicam.nl)

YMA strongly recommends:

- That the G classification (suitable for all under 15 years) be retained.
- The introduction of a G8 classification to indicate that the material is suitable for a child 8 years and over.
- The introduction of a G13 for material which can adequately be handled by those 13 years and over.
- Consequent on the acceptance of these 2 new classifications, YMA recommends the removal of the PG and M classifications.
- The MA 15+ and R 18+ categories should be retained with legal force.